

COMMITTEE OF THE WHOLE

09-0160R

RESOLUTION AUTHORIZING CONSENT DECREE IN SETTLEMENT OF
THE CLAIM OF UNITED STATES, ET AL.

CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to execute a consent decree, substantially in the form of that on file in the office of the city clerk as Public Document No. _____, in settlement of the complaint arising out of alleged violations of the Clean Water Act by the city of Duluth and Western Lake Superior Sanitary District filed by United States, et al., in the United States district court district of Minnesota and entitled *United States of America and State of Minnesota v. City of Duluth, Minnesota and Western Lake Superior Sanitary District* for a total amount of \$188,000, funds to be paid from Fund 610, Agency 036, Organization 1653, Object 5841.

Approved for presentation to council:

Department Director/Chief Administrative
Officer

Approved as to form:

Approved:

Attorney

Auditor

ADMN/ATTY GBJ:cjk 2/27/2009

STATEMENT OF PURPOSE: The purpose of the consent decree agreement is to further the objectives of the Clean Water Act and eliminate sanitary sewer overflows and prohibit bypasses into Lake Superior by December 31, 2016. The city of Duluth owns and operates approximately 400 miles of main and trunk sewers and uses 45 lift stations to convey sewage into the Western Lake Superior Sanitary District interceptor system.

As part of the agreement, the city will be required to complete a number of surveys, evaluations and assessments of its wastewater collection system. The city will be required to complete inflow and infiltration removal activities, which includes replacing private service lines and installing sump pumps. The city agrees to implement a capacity management, operation and maintenance program, which will increase the amount of maintenance the city performs on the collection system. The city will also be required to make capital improvements to various overflow and bypass points. New sanitary sewer bypasses will be prohibited. The city will take on additional reporting and record keeping requirements. Finally, the city agrees to pay \$188,000.00 in civil penalties and is subject to additional penalties if it is not in compliance with the consent decree.